

REMARKS.

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Status of Claims

Claims 1-3, 5, 7, 8, 11, 12, 15, 30, 31, 33, 35, 36, 39, 40, 42 and 44-47 are pending.

B. Rejection under 35 U.S.C. § 103(a)

Claims 1-3, 5, 7, 8, 11, 12, 15, 30, 31, 33, 35, 36, 39, 40, 42 and 44-47 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Tadashi Okamoto, Tomoshiro Suzuki, and Nobuko Yamamoto, “Microarray fabrication with covalent attachment of DNA using Bubble Jet technology”, *Nature Biotechnology*, Vol. 18 (April 2000), at 438-441), (hereinafter, “Okamoto”), in view of WIPO Application Publication No. WO 99/39817 to Rava et al. (“Rava”). The rejection of claims 1-3, 5, 7, 8, 11, 12, 15, 30, 31, 33, 35, 36, 39, 40, 42 and 44-47 is respectfully traversed.

The August 7, 2008 final Office Action maintained the rejection set forth in the February 8, 2008 non-final Office Action. The February 8, 2008 Office Action asserts that Okamoto discloses a “step of executing an analytical inspection on the probe in at least one of the plural probe fixation areas constituted of probes fixed on the carrier; and a step of judging ‘good’ or ‘not good’ state of the produced probe carrier.” (2/8/08 non-final Office Action, p. 7). Okamoto only mentions inspection of the probe as fixed to the carrier as a preliminary effort, rather than as an experimental step, towards investigating the effectiveness of the ink jet process. It is not taught in the “experimental protocol” in Okamoto, nor is it taught as a step that is repeated each time microarray fabrication is performed. Accordingly, Okamoto does not

disclose, teach or suggest a step of “a step of executing an inspection, concerning a formed state of the probe deposition area, on the carrier on which the probe deposition area is formed, and judging ‘good’ or ‘not good’ state of the deposition according the result of the inspection and a predetermined criterion,” as recited in Applicant’s claim 2.

Accordingly, Okamoto does not disclose, teach or suggest every element of Applicants’ claim 2, and therefore, Applicants’ respectfully submit that claim 2 is in condition for allowance. For at least similar reasons, claims 1, 3, 5, 7, 8, 11, 12, 30, 31, 33, 36, 39, 40, 42 and 44-47 are also believed to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicants have chosen not to swear behind the cited references or to otherwise submit evidence to traverse the rejection at this time. Applicants, however, reserve the right, as provided by 37 C.F.R. §§ 1.131 and 1.132, to do so in the future as appropriate. Finally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this response to Deposit Account No. 13-4500, Order No. 1232-5570. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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